

In the United States District Court  
For the Western District of Texas  
Midland-Odessa Division

ART SCHMIDT, SIAN12, LP, DAN	§	
COLWELL, AND JAMES WEBB,	§	
<i>Plaintiffs,</i>	§	
v.	§	Cause No. 7:20-cv-00206
	§	
CIMAREX ENERGY CO.,	§	
<i>Defendant.</i>	§	

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**DEFENDANT’S NOTICE OF REMOVAL**

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COMES NOW Defendant Cimarex Energy Co. (hereinafter “Defendant”) in the above-entitled cause, and hereby files its Notice of Removal, and in support of the same would respectfully show the Court the following:

**GROUND’S FOR REMOVAL**

On July 14, 2020, Plaintiffs Art Schmidt, SIAN12, LP, Dan Colwell, and James Webb (hereinafter “Plaintiffs”), filed suit against Defendant in the 238<sup>th</sup> Judicial District of Midland County, Texas, under Cause No. CV56813.

Plaintiffs’ Petition alleges breach of contract. Defendant voluntarily accepted service of Plaintiffs’ Petition on July 24, 2020. Defendant files this Notice of Removal within 30 days of receipt of the Petition to show removal was proper.

There is complete diversity of citizenship. Plaintiffs Art Schmidt, Dan Colwell and James Webb are residents of Texas. Plaintiffs aver that SIAN12, LP is a Texas limited partnership, whose principal place of business is located in Travis County, Texas. The known partners are also citizens of Texas. Defendant Cimarex Energy

Co. is a Delaware corporation with its principal place of business in Colorado. None of the Plaintiffs are citizens of Colorado or Delaware.

Plaintiffs' petition states that the amount in controversy exceeds \$1,000,000, which exceeds the amount in controversy required for removal.

Because there is complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on the Court, this action may be removed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

#### **ATTACHED DOCUMENTS**

Pursuant to 28 U.S.C. § 1446(a), Defendant attaches to this Notice of Removal as Exhibit A, an index of documents, a copy of the State District Court's docket sheet, and a copy of all process, pleadings, and orders served upon Defendant in the State District Court.

Defendant has filed a civil coversheet contemporaneously with filing this Notice of Removal.

Defendant has contemporaneously filed a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending, pursuant to 28 U.S.C. § 1446(d).

#### **JURY DEMAND**

Defendant demands trial by jury.

WHEREFORE PREMISES CONSIDERED, Defendant prays that that above-styled case be removed from the 238<sup>th</sup> Judicial District Court of Midland, Texas to this, the United States District Court for the Western District of Texas, Midland-

Odessa Division. Defendant further prays for such other and further relief to which it may show itself entitled.

Respectfully submitted:

/s/Joe T. Sanders II

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*Attorneys for Defendant*

## CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing document was served this 21<sup>st</sup> day of August 2020, pursuant to the Federal Rules of Civil Procedure.

### Via E-Service

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